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TECHNOLOGY CENTER 3600

Osler, Hoskin & Harcourt LLP (BRP)  
2100-1000 DeLa Gauchetiere St. West  
Montreal, Canada H3B4W-5

In re patent of	:	
Camille Michel et al.	:	NOTIFICATION OF IMPROPER
Patent No. 6,428,371	:	PRIOR ART CITATION UNDER
Issued: August 6, 2002	:	37 CFR 1.501
For: WATERCRAFT WITH STEER-	:	
RESPONSIVE THROTTLE	:	

The prior art citation filed by a third party under 37 CFR 1.501 on October 16, 2006 is hereby acknowledged to have been received and reviewed by the Patent and Trademark Office. The requirements for a proper prior art citation under 37 CFR 1.501 are as follows:

A) prior art submitted must be limited to "written prior art consisting of patents and publications". Any submission that contains any issue not directed to patents and publications will not be entered into the file and will be returned unconsidered, despite the fact that it may also contain "properly considerable" prior art. MPEP 2205.

B) an explanation of how the person submitting the prior art considers it to be pertinent and applicable to the patent.

C) an explanation of why it is believed that the prior art has a bearing on the patentability of any claim of the patent.

D) if filed by a party other than the patent owner, an indication must be present that a copy of the submission has been served on the patent owner, or includes a duplicate copy if service on the patent owner was not possible.

The prior art submission of October 16, 2006 fails to meet the requirements of item C) above. The submission fails to explain why the prior art has a bearing on the patentability of the claims. The reason of "...each of the prior art references discloses a watercraft, a steering system, and/or a propulsion system..." is an insufficient reason. While the above statement would indicate the prior art cited is related to the subject matter of the patent claims, because there is nothing patentable about a watercraft with a steering and/or propulsion system, the statement fails to provide pertinency and applicability to the patentability of the claims. Accordingly, the submission is hereby returned to the third party as an attachment to this Notification as per the procedure outlined in MPEP 2206.

Telephone inquiries relative to this letter should be directed to Special Programs Examiner Steven N. Meyers at (571) 272-6611.



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Katherine Matecki, Acting Director  
Patent Technology Center 3600  
(571) 272-5250

SM: 10/30/06



Attachment (to the address below): Submission filed under 37 CFR 1.501 of October 16, 2006.

Cc: Alan H. Norman  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, MO 63101

Docket No. 20277-63096



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first-class mail in a package addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 12, 2006.

A handwritten signature in black ink, appearing to read "Alan H. Norman".

Alan H. Norman  
Reg. No. 32,285

In re application of: Michel et al.

Patent No. 6,428,371 B1

Issue Date: August 6, 2002

Title: *Watercraft With Steer  
Responsive Engine Speed  
Controller*

Attorney Docket No. 20277-63096

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Submission of Prior Art Under 37 CFR 1.501

Kawasaki Motors Corp., U.S.A., herewith submits in the above identified patent the prior art patents and publications listed on the accompanying PTO/SB/42 form. A copy of each of such prior art patents and publications also accompanies this submission.

Kawasaki Motors Corp., U.S.A. believes such prior art to be pertinent and applicable to the patentability of claims 1-73 of U.S. Pat. No. 6,428,371 B1. Each of such prior art references was identified via a prior art search that was conducted to identify prior art pertinent to the patentability of U.S. Pat. No. 6,428,371 B1. Additionally, each of such prior art references



Attorney Docket No. 20277-63096  
Page 2

discloses a watercraft, a steering system, and/or a propulsion system, as is generally required by each of claims 1-73 of U.S. Pat. No. 6,428,371 B1. For these reasons, it is believed that each of such prior art references has a bearing on the patentability of claims 1-73 of U.S. Pat. No. 6,428,371 B1 and may have a bearing on any future amended claims thereof.

Respectfully submitted,

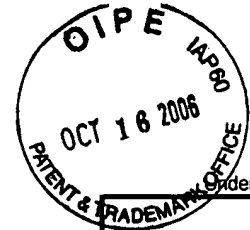
DATED: October 12, 2006

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Alan H. Norman  
Reg. No. 32,285  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6284 (telephone)  
(314) 552-7284 (facsimile)  
ATTORNEYS FOR:  
Kawasaki Motors Corp., U.S.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing submission in its entirety has been mailed by first-class mail, postage paid, this 12th day of October 2006 to Osler, Hoskin & Harcourt LLP, 2100-1000 De La Gauchetiere St. West, Montreal H3B4W5, Canada (CA), the attorneys of record for this patent pursuant to 37 C.F.R. 1.33(c).



PTO/SB/42 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>1</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1,814,772	7/14/1931	Sterling, F. W.			9/7/1927
	1,843,272	2/2/1932	Evinrude. O.			3/8/1929
	1,999,255	4/30/1935	Rank, F.			11/16/1931
	2,332,697	10/26/1943	Claytor, E. M.			6/1/1942
	2,514,467	7/11/1950	Black, L. C.			9/6/1949
	2,627,836	2/10/1953	Buske, G. E.			5/4/1951
	2,682,248	6/29/1954	Sitz, G. C.			12/27/1951
	3,002,487	10/3/1961	Didsbury, Sr., W. E.			7/20/1960
	3,056,374	10/2/1962	Linhardt. H. D.			3/26/1959
	3,114,239	12/17/1963	Aylor, W. W.			3/23/1962
	3,135,234	6/2/1964	Turnidge, L. A.			7/30/1962
	3,136,288	6/9/1964	Hardy, G. W.			11/20/1962
	3,159,134	12/1/1964	Winnen, F. E.			3/15/1963
	3,198,158	8/3/1965	Winter, D. K.			4/8/1964
	3,408,975	11/5/1968	Gamble, R. B.			6/9/1966
	3,675,611	7/11/1972	Glass			2/27/1970
	3,765,363	10/16/1973	Wald			10/12/1971
	3,795,105	3/5/1974	Aschauer			5/2/1972
	3,820,641	6/28/1974	Borst et al.			1/29/1973
	3,828,717	8/13/1974	Nichols et al.			7/2/1973
	3,865,067	2/11/1975	Archer			5/17/1973
	3,918,256	11/11/1975	Ashleman			6/10/1974
	3,982,493	9/28/1976	Cronin			6/26/1975
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	4,004,536	1/25/1977	Bernier			3/17/1975
	4,051,801	10/4/1977	Woodfill et al.			6/23/1976
	4,100,877	7/18/1978	Scott et al.			9/27/1976
	4,220,111	9/2/1980	Krautkremer et al.			4/12/1978
	4,265,192	5/5/1981	Dunn			2/5/1979
	4,412,500	11/1/1983	Krautkremer			9/27/1982
	4,556,005	12/3/1985	Jackson			11/28/1984
	4,718,869	1/12/1988	Fisher			1/30/1987
	4,730,572	3/15/1988	Hollingsworth			6/13/1986

<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>2</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

## U.S. PATENT DOCUMENTS (CONTINUED)

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,778,414	10/18/1988	Taguchi			9/26/1986
	4,836,809	6/6/1989	Pelligrino			3/11/1988
	4,855,739	8/8/1989	Miyayama et al.			7/17/1987
	4,938,721	7/3/1990	Koike			9/26/1989
	4,976,636	12/11/1990	Torigai et al.			10/28/1988
	4,977,845	12/18/1990	Rundquist			8/14/1989
	5,062,815	11/5/1991	Kobayashi			11/27/1989
	5,065,723	11/19/1991	Broughton et al.			6/24/1987
	5,074,810	12/24/1991	Hobbs et al.			6/29/1990
	5,127,858	7/7/1992	Pelligrino et al.			7/16/1991
	5,129,846	7/14/1992	Dimijian			1/7/1991
	5,131,875	7/21/1992	Lee			10/12/1990
	5,142,473	8/25/1992	Davis			8/12/1988
	5,167,547	12/1/1992	Kobayashi et al.			8/30/1991
	5,190,487	3/2/1993	Fukui			4/21/1992
	5,254,023	10/19/1993	Kobayashi			7/22/1991
	5,261,844	11/16/1993	Shibata			2/13/1992
	5,263,432	11/23/1993	Davis			8/20/1991
	5,273,016	12/28/1993	Gillespie et al.			9/30/1992
	5,280,282	1/18/1994	Nagafusa et al.			2/28/1991
	5,310,369	5/10/1994	Kobayashi			5/14/1993
	5,314,362	5/24/1994	Nagahora			5/21/1993
	5,352,137	10/4/1994	Iwai et al.			5/15/1991
	5,366,393	11/22/1994	Uenage et al.			11/19/1992
	5,410,999	5/2/1995	Gillespie et al.			4/15/1993
	5,413,461	5/9/1995	Johnsen			10/11/1991
	5,428,512	6/27/1995	Mouzas			6/18/1993
	5,437,568	8/1/1995	Kobayashi			3/25/1994
	5,474,007	12/12/1995	Kobayashi			1/3/1995
	5,474,012	12/12/1995	Yamada et al.			9/7/1994
	5,492,493	2/20/1996	Ohkita			7/7/1994
	5,507,672	4/16/1996	Imaeda			12/9/1994
	5,520,133	5/28/1996	Wiegert			4/17/1995

<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>3</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

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	5,607,332	3/4/1997	Kobayashi et al.			12/23/1994
	5,665,025	9/9/1997	Kato			12/18/1995
	5,692,931	12/2/1997	Kawai			7/3/1996
	5,755,601	5/26/1998	Jones			3/17/1997
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	5,809,436	9/15/1998	Gregory			1/19/1996
	5,833,501	11/10/1998	Jones			7/15/1997
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	5,906,524	5/25/1999	Ozawa et al.			12/29/1997
	5,941,743	8/24/1999	Kato			6/17/1997
	5,997,373	12/7/1999	Asai et al.			4/1/1998
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	6,478,638 B2	11/12/2002	Matsuda et al.			8/8/2001
	6,722,302 B2	4/20/2004	Matsuda et al.			9/17/2001

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	G 8710808.9 A1	1/28/1988	Germany				X
	G 8807240 A1	9/22/1988	Germany				X
	DE 3726241 A1	2/16/1989	Germany				X
	DE 3936598 A1	6/27/1991	Germany				X
	DE 4020172 A1	1/24/1991	Germany				X
	DE 4028687 A1	3/12/1992	Germany				X
	DE 4033674 A1	7/4/1991	Germany				X

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<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>4</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

FOREIGN PATENT DOCUMENTS (CONTINUED)							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DE 4141491 A1	6/17/1993	Germany				X
	DE 4209393 A1	9/30/1993	Germany			X/abstract	
	DE 4402558 A1	8/3/1995	Germany				X
	DE 4433782 A1	3/28/1996	Germany				X
	DE 19711886 A1	9/24/1998	Germany				X
	DE 19747561 A1	7/23/1998	Germany				X
	DE 19831324 A1	1/20/2000	Germany				X
	DE 29815500 U1	4/8/1999	Germany				X
	DE 19840078 A1	3/16/2000	Germany				X
	EP 0304821 A1	3/1/1989	Europe			X	
	EP 0304822 A1	3/1/1989	Europe			X	
	EP 0360051 A1	3/28/1990	Europe			X	
	EP 0365549 B1	1/2/1992	Europe			X	
	EP 0386760 A2	9/12/1990	Europe			X	
	EP 0452538 A1	10/23/1990	Europe				X
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	EP 0460373 A1	12/11/1991	Europe			X	
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	EP 0626918 B1	12/7/1994	Europe			X	
	EP 0657348 A1	6/14/1995	Europe			X	
	EP 0764111 B1	3/26/1997	Europe			X	
	EP 0764577 A1	3/26/1997	Europe			X	
	EP 0765270 B1	4/2/1997	Europe			X	
	EP 0767752 B1	4/16/1997	Europe			X	
	EP 0778196 A1	11/06/1997	Europe			X	
	EP 0800991 A1	10/15/1997	Europe			X	



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<p align="center"><b>37 CFR 1.501</b></p> <p align="center"><b>INFORMATION DISCLOSURE CITATION</b></p> <p align="center"><b>IN A PATENT</b></p> <p align="center">(Sheet <u>5</u> of <u>6</u>)</p>	<p>Docket Number (Optional) <b>20277-63096</b></p>	<p>Patent Number <b>6,428,371 B1</b></p>
	<p>Applicant <b>Michel</b></p>	
	<p>Issue Date <b>August 6, 2002</b></p>	<p>Art Unit <b>3617</b></p>

FOREIGN PATENT DOCUMENTS (CONTINUED)							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	EP 0832033 B1	4/1/1998	Europe			X	
	FR 2618391 A1	1/27/1989	France				X
	FR 2701004 A1	8/5/1994	France				X
	FR 2714115 A1	6/23/1995	France			X (U.S. Pat. 5586535)	
	GB 2194650 A	3/9/1988	United Kingdom			X	
	GB 2216479 A	10/11/1989	United Kingdom			X	
	GB 2308834 A	7/9/1997	United Kingdom			X	
	GB 2337240 A	11/17/1999	United Kingdom			X	
	HEI 3 148395	6/25/1991	Japan	Z		X	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.)**

	KARASUNO, et al., Ship Control Systems Proceedings Symposium, Advanced Portable Automatic Control System Under Simple Operation, pgs. 2-114-135; 10:25/29-10-1993; Ottawa: National Defense; Ottawa, CANADA
	KÄLLSTRÖM, C. G. and THEORÉN, K., "Dynamic Compensation System." IEEE, 1994, pgs. 1093-1097.
	BUSSEMAKER, Ir. O., "Rudderpropellers for Propulsion and Manoeuvring Systems of Minehunting Vessels." International Symposium on Mine Warfare Vessels and Systems, June 12-15, 1984, 16 pgs., London, England.
	ANON., "Heavy Duty Propelling and Steering Device Aids in Marine Operations of Oil Industry." <i>The Petroleum Engineer</i> , May, 1946, pgs. 238-232, Vol. 17(8).
	MOTALA VERKSTAD COMPANY, "Easy to Maneuver CAP Combines Steering, Propulsion, Trust Bearing." <i>Offshore</i> , October 1997, p.120 ( 3 pgs.), Vol. 57(10), Penn Well Publishing Co.
	BLANKE, M. (Professor)., "Search for Scientific Literature on Integrated Steering and Propulsion-with a Partial Assessment." Memorandum. August 10-21, 2006, pgs. 1-6, Denmark.
	GRIMBLE, M. J., <i>et al.</i> , "Integrated Ship Control Using H <sub>∞</sub> Robust Design Techniques." <i>IEEE</i> , 1994, pgs. 1087-1091.
	WO 88/08390, 3 November 1988 Int'l. Appl. No. PCT/SE88/00213
	WO 88/09288, 1 December 1988 Int'l. Appl. No. PCT/SE88/00270
	WO 91/08947, 27 June 1991 Int'l. Appl. No. PCT/SE90/00831
	WO 91/09773, 11 July 1991 Int'l. Appl. No. PCT/DE90/00959
	WO 92/06890, 30 April 1992 Int'l. Appl. No. PCT/NO91/00130
	WO 92/07754, 14 May 1992 Int'l. Appl. No. PCT/SE91/00718
	WO 92/09477, 11 June 1992 based PCT/US91/08966
	WO 92/16410, 1 October 1992 Int'l. Appl. No. PCT/US92/02251
	WO 92/20573, 26 November 1992 Int'l. Appl. No. PCT/US92/03953
	WO 93/09024, 13 May 1993 Int'l. Appl. No. PCT/US92/09489
	WO 93/16915, 2 September 1993 Int'l. Appl. No. PCT/AU92/00085
	WO 93/18964, 30 September 1993 Int'l. Appl. No. PCT/EP93/00642
	WO 94/04414, 3 March 1994 Int'l. Appl. No. PCT/US93/07905
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[illegible]

This collection of information is required by 37 CFR 1.501. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.